EXHIBIT O

Lieff Cabraser Heimann & Bernstein
Attorneys at Law

March 22, 2012

VIA EMAIL AND FIRST CLASS MAIL

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RE: *In re High-Tech Employee Antitrust Litigation*,
11-cv-2509-LHK (N.D. Cal.)

Dear Counsel:

This letter follows-up on our in-person meeting on March 16, 2012. We agreed to resolve all outstanding discovery issues this week. If any issues remain unresolved after Monday, March 26, we would like to identify those as soon as possible so we may bring them to the attention of Judge Koh and Magistrate Judge Lloyd.

At the March 16 meeting, we reiterated that we would like to begin the production of documents without further delay. It is not necessary to reach agreement on every outstanding discovery issue for Defendants to begin producing, on a rolling basis, responsive documents, data, and privilege logs. Dispute over certain issues should not prevent or delay production of documents over which there is no dispute. We ask that you provide us with a schedule for the production.

I.   Production Format of ESI

Please see as attached clean and redline revised draft stipulation regarding production format of ESI (Exhibit A). We understand that the last remaining issue concerns

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production of certain native format documents created with software other than Microsoft Office.[1] We have addressed this issue in sections 6(a)-(b).

If Plaintiffs' proposed language is unacceptable to any Defendant, please contact Dean Harvey to discuss by March 23. For those Defendants for whom this draft is acceptable, we request that counsel for those Defendants return a signed copy of the draft no later than March 26.

II.   Production of Data

We discussed Defendants' last revised proposal regarding production of data.

Defendants confirmed they will produce a unique identifier for each employee that will be the same across Defendants, and confirmed that data will include information regarding employee benefits. We reiterated our data requests for birth date, gender, and manager. We agreed to accept the year of birth in lieu of the exact birth date to protect individuals' privacy. We confirmed that production of data does not prejudice Plaintiffs from seeking additional data as discovery unfolds and the facts develop.

By March 26, please tell us when Defendants will produce responsive data, data dictionaries, and guides to the data. We are eager to receive this data as soon as possible so that we may analyze it in time for Plaintiffs' motion for class certification, which is due by June 28, 2012. (Oct. 26, 2011 Minute Order and Case Management Order; Dkt. No. 88.) In our March 14 letter to Defendants, we asked Defendants to provide us with an estimate by March 15. No Defendant did so. We have yet to receive an estimate from any Defendant.

III.   Production of Documents

We discussed Plaintiffs' last revised proposal regarding production of documents, and several other issues pertaining to document production.

A.   Targeted Searching and Search Terms

1.   Track One: Targeted Searching

Defendants confirmed that their search and production of documents is occurring on two tracks. First, Defendants are conducting a targeted search that relies upon custodian interviews, among other efforts, to identify responsive documents. For instance, this search will likely lead to production of the "high-level" analyses, studies, and summaries responsive to Plaintiffs' document request numbers 14-20, 25-28, 30, 32, 33, 35, 37-40, 42, and 44, among other categories of documents. We do not anticipate that documents gathered through this methodology will require agreement on ESI search terms or other ESI issues.

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[1] Another issue concerns production and identification of sent versus draft emails in Google's custody or control. Plaintiffs are addressing this issue with Google's counsel separately.

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We did not discuss the time period for documents collected as part of this first track. Please confirm that responsive documents pursuant to this search will be produced irrespective of when the documents were created.

Among the other documents we discussed that will be subject to this search, we request that Defendants prioritize production of the following categories of documents:

- Personnel policies regarding determining positions to be filled (see Req. No. 14);

- Personnel policies regarding how those open positions are filled (see Req. No. 14);

- Names and titles / positions of individuals who had final authority over hiring (see Req. Nos. 9 and 45);

- Analyses, studies, summaries, or surveys of methods used to alert potential employees of open positions (see Req. No. 14);

- Contracts with outside search firms, invoices submitted by these firms, and all payments made to these firms (see Req. Nos. 41-44);

- Identification of all employees engaged in recruiting outside personnel, and employment histories of these employees (see Req. No. 45); and

- Instructions provided to both internal and external recruiters regarding the availability of open positions, and methods of recruiting regarding open positions (see Req. Nos. 41-44).

By March 26, please provide us with a date by which rolling production of documents from the first track will begin.

2. **Track Two: ESI Searching via Custodian-Wide Collections and Application of Search Terms**

The second track of document searching and production focuses on the identification of custodians whose ESI Defendants will collect (or have already collected) on a custodian-wide by custodian-wide basis. Defendants will then apply search terms to these documents to create a subset of documents to be reviewed and produced.

Defendants have asked Plaintiffs to identify custodians and propose search terms for this second track. Plaintiffs identified custodians in our March 14 letter, and asked Defendants to supplement these custodians with what they have learned from their witness interviews and other efforts to conduct a complete search. Please do so. Plaintiffs' proposed custodians are constrained by the limited information currently available to Plaintiffs. For

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instance, while certain Defendants identified individual recruiters in response to Plaintiffs' first set of interrogatories (namely, Adobe, Apple, Intel, Lucasfilm, and Pixar), others did not (namely, Google and Intuit). Plaintiffs expect that Defendants will supplement Plaintiffs' proposed custodians so that a complete search may be conducted.

Plaintiffs' proposed search terms are attached as Exhibit B. These terms are divided as follows: a first set of terms that Plaintiffs propose be applied to all custodians, and a separate set of terms for each Defendant to search in addition to the first set. These terms include Boolean search strings. As with the custodians Plaintiffs identified on March 14, please supplement these search terms with other terms and methods (such as natural language searches), as appropriate, to conduct a complete search for documents responsive to Plaintiffs' document requests.[2] We would be happy to discuss those methodologies with you.

By March 26, please provide us with a date by which rolling production of documents from the second track will begin.

We expect, and Defendants understand, that we will likely seek additional documents, and documents from additional custodians, as discovery unfolds and the facts develop.

B.   Preservation and Time Periods for ESI Searching

We also discussed Defendants' request that Plaintiffs agree to an end date for preservation of ESI, excluding data, which Defendants confirmed they will continue to preserve. This issue is related to a variety of concerns Defendants raised regarding the scope of ESI Defendants intend to search as part of the "track two" process described above.

Plaintiffs propose the following: (1) Defendants may revert to their standard preservation procedures for non-data ESI for documents created after January 1, 2012; (2) Defendants will continue to preserve responsive data without regard to date; (3) Defendants will apply Plaintiffs' proposed search terms to ESI already collected, regardless of when a particular item of ESI was created; and (4) to the extent not already collected, Defendants will collect ESI from at least the custodians identified in Plaintiffs' March 14 letter, and this collection will include documents created after January 1, 2003 through documents created before January 1, 2012.

If any Defendant collects ESI in a manner more limited than part (4) of the preceding paragraph, please confirm to Plaintiffs by March 28, 2012 that this is occurring, identify the custodians and time periods excluded from (4), and provide the justification. Plaintiffs offer to meet and confer with the relevant Defendants individually and promptly in an effort to resolve the issue, while those Defendants collect, review, and produce responsive

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[2] Google has not yet provided Plaintiffs with the search terms and custodians it used for its DOJ production. All other Defendants have now done so.

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documents from the ESI that is not at issue. If there is an impasse, the matter will be briefed consistent with Magistrate Judge Lloyd's standing order regarding civil discovery disputes.

C.   **Privilege Logs**

We discussed the content of privilege logs. Plaintiffs propose the following:

Privilege logs shall identify the documents or information withheld with sufficient specificity to identify the material withheld and the basis for the claimed privilege or protection.

The parties agree that they do not have to log on a privilege log documents: (1) protected by attorney-client privilege or work product doctrine pursuant to Rule 26(b)(3)(B); (2) that consist of attorney-client communications with outside counsel or work product authored by outside counsel for the purposes of this action or the DOJ investigation; (3) were generated after outside counsel for the party was retained in connection with this litigation and the related DOJ investigation; (4) have not been disclosed to third parties. However, all documents and communications regarding witness interviews of individuals who are no longer available must be logged.[3]

Documents for which privileged information has been redacted but the foregoing information has been produced in the form of unredacted email header information need not be logged.

For email strings, the parties are permitted to use only one entry on their respective privilege logs to identify withheld emails that contain a string of emails (provided, however, that in future privilege logs the entry notes the presence of a string, beginning and ending dates, all of the authors and recipients, and a description of all the subject matters discussed).

The Parties agree that privilege logs shall be produced on a rolling basis commencing 21 days after the initial production of documents.

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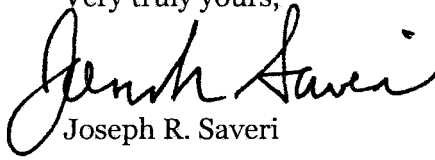
[3] The term "no longer available" shall be interpreted consistent with Federal Rule of Evidence 804(a).

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       By March 26, please confirm whether Defendants agree to this proposal. Please contact Dean Harvey in the interim if you have any questions.

<div align="center">
Very truly yours,

[signature]

Joseph R. Saveri
</div>

Attachments
cc: Eric L. Cramer
       Linda P. Nussbaum

969197.3

EXHIBIT A

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Interim Lead Counsel for Plaintiff Class

[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE ANTITRUST LITIGATION	Master Docket No. 11-CV-2509-LHK
THIS DOCUMENTS RELATES TO: ALL ACTIONS	**STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION**

1.   General Specifications

   (a)   This Stipulation represents the agreement among the parties on technical

   specifications regarding production of Electronically Stored Information ("ESI").

   The parties reserve for future discussion substantive issues that might arise related

   to the production of ESI. This Stipulation does not concern production of database

   information.

   (b)   Documents will be produced as TIFF or PDF files (with extracted text or OCR and

   metadata when available), unless otherwise specified below. Aside from the

   document categories below, the parties will meet and confer to discuss any

1   requests for the production of documents in native format on a case-by-case basis

2   where good cause exists for such request.

3   (c)   Metadata will include fields described below.

4   (d)   Image cross reference files will function with Opticon viewer.

5   (e)   Media volume names will have the producing party's internal tracking ID.

6   (f)   A party may produce a single copy of a responsive document and a party may de-

7   duplicate responsive ESI (for example, based on MD5 or SHA-1 hash values at the

8   document level) across custodians, insofar as absolutely no non-duplicative

9   information is lost as a result. For emails with attachments, the hash value is

10   generated based on the parent/child document grouping. A party may also de-

11   duplicate "near-duplicate" email threads as follows: in an email thread, only the

12   final-in-time document need be produced, if and only if all previous emails (and

13   all other information, such as authors, recipients, time sent and received, etc.) in

14   the thread are contained within the final message. In addition, only a single copy

15   of an email need be produced even where it was sent to multiple recipients, if and

16   only if all information contained in other copies (such as time sent and received,

17   authors, recipients, etc.) is contained within the single copy. Where a prior email

18   contains an attachment, that email and attachment shall not be removed as a "near-

19   duplicate."

20   (g)   Hardcopy Documents – The parties may produce, at the producing party's option,

21   hardcopy documents in hardcopy, TIFF, or PDF format. If a document that was

22   originally generated by a software application (*e.g.*, Microsoft Word or Microsoft

23   Outlook) is collected from a custodian in hard copy form, the producing party has

24   no obligation to locate and produce the electronic file from which the hard copy

25   was created. However, if the electronic file would otherwise be gathered as part of

26   the producing party's collection, both the electronic file and the hard copy shall be

27   produced.

28   2.   Output Files

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

(a)   Extracted Text: Control List (.lst or equivalent)

(b)   Image Index Files: Opticon (.opt)

(c)   Metadata Files: Concordance (.dat)

3.   Output Folder Structure

(a)   The producing party will manually create the top level directory prior to production.

(b)   TIFF or PDF and text files for a single document will always be in the same folder.

Directory Structure	Standard with Padding
<VFID-Media#>.dat,<VFID-Media#>.lfp	XXX01-01.dat, XXX01-01.lfp
<VFID-Media#>	XXX01-01
| | Folder# (01)	| | 01
| |__BatesNumber.tif or .pdf	| |__EXAMPLE00000001.tif or .pdf
| |__BatesNumber.tif or .pdf	| |__EXAMPLE00000001.txt
| |__BatesNumber.tif or .pdf	| |__EXAMPLE00000002.tif or .pdf
| | Folder# (02)	| | 02
| |__BatesNumber.tif or .pdf	| |__EXAMPLE00000501.tif or .pdf
| |__BatesNumber.tif or .pdf	| |__EXAMPLE00000501.txt
| |__BatesNumber.tif	| |__EXAMPLE00000502.tif or .pdf

4.   General Configuration

(a)   Documents will not be broken across multiple PDF files or Media folders.

(b)   Produce TIFF files in single page format at 300 DPI or PDF files in multiple page format at 300 DPI.

5.   Text Files (.txt)

(a)   Produce text files or OCR on a per-document basis.

(b)   Name text files according to the corresponding first page (BegDoc#) of the document.

(c)   Do not truncate.

6.   Native Files

(a)   Absent a showing that a particular file, or category of files, is not reasonably accessible, Produce Excel files, PowerPoint files, and media files in native format,

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

1   accompanied by TIFF placeholder including Bates number (range), file name,

2   media description, and confidentiality denotation.

3   (b)   Non-Microsoft files that are the functional equivalents to Excel and PowerPoint

4   files (such as Apple Numbers and Apple Keynote files) shall be produced in TIFF

5   or PDF format in the first instance, with extracted text or OCR and metadata.

6   Native format versions of these files shall be produced upon request if available.

7   7.   Family Range Configuration

8   (a)   Family structure will be maintained in productions and identified by the fields in

9   Part 8.

10   8.   Use Concordance Metadata Load Files (.dat)

11   (a)   Load files will contain one line per document.

12   (b)   Load files will have the field names as the as first row of data.

13   (c)   Concordance metadata load files will include the following:

Field Name	Description	(Comments)	Field Type
BegBates (BegDoc#)	StartBates Production number		Limited Text
EndBates (EndDoc#)	Endbates Production number	Include prefix and padding	Limited Text
BegAttach	Beginning unique identification number for any attachment or range of attachments	Include prefix and padding	Limited Text
EndAttach	Ending unique identification number for any attachment or range of attachments	Include prefix and padding	Limited Text
Source	Custodian or Source of document		Full Text
MediaSource (DocumentType)	File Type	Email, File, etc	Limited Text
DateSent	Date Email was Sent (MMDDYYYY)	Applies to emails	Date
DateCreated	Date (MMDDYYYY) Created, if any, as found in native file when collected	Will be blank for email	Date

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

Field Name	Description	(Comments)	Field Type
FileName	File name of the file	Will be blank for email	Full Text
FileSize	File size (as megabytes)		Limited Text
Doc Ext (Extension)	The document extension of the document	Will be blank if 0	Limited Text
Subject	Subject line of Email	Will be blank for Files	Full Text
From	Sender	Will be blank for Files	Full Text
To	Recipient [Delimited list]	Include multivalue Will be blank for Files	Full Text
Cc	Cc [Delimited list]	Include multivalue Will be blank for Files	Full Text
Bcc	Bcc [Delimited list]	Include multivalue Will be blank for Files	Full Text
Author	Information contained in the author field, if any	Will be blank for email	Full Text
DocTitle Filename	Information contained in the title field, if any		Full Text
Confidentiality	Confidentiality designation of the document	Include multivalue	Full Text
ORIGINALPATH	Data's source path information; where file was stored on custodian's hard drive or network resource	Will be blank for email	Full Text
[included in ORIGINALPATH]	Email folder path (sample: Inbox\active) [Blank for files]		Full Text
Redacted	Indicates if document contains redaction	Include multivalue	Full Text

9.   Metadata Load File Delimiters

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

(a)   If field encapsulators or separators are found in the metadata they will be replaced with another character or space.

Type	Character/Format	Replace with	Notes
Field Encapsulate	Ctrl Character "þ" (Decimal 254)	Space " "(Decimal 032)	
Field Separator	Ctrl Character "□"(Decimal 020)	Space " "(Decimal 032)	
Multi-value Delimiter	Semi Colon "; " (Decimal 59 space)	N/A	
New Line Indicator	Registered Symbol "®" (Decimal 174)	N/A	Text line separator, used in TextInfo only.
Dates are stored	MMDDYYYY	N/A	

10.   OCR Index Files (.lst or equivalent)

(a)   Follow the example above for format and delimiters.

(b)   **Bold** is constant, *Italics* are variable, and pay attention to the use of commas and semicolons.

(c)   Each file will contain one line per TIFF or PDF.

(d)   Format: BatesPage**,**\TextPath\TextFileName**.txt**

(e)   Example: ABC00100000,\02501-01\01\ABC00100000.txt

(f)   Definition of Components:

BatesPage	BatesPage value from metadata file.
Folder#	The number of the folder containing the TIFF or PDF.
TextFileName	Text files will be named with a bates number.txt (Bates Padding/Prefix Configuration Section).
NewDocIndicator	Determine New Document Indicator Values.
	Y – if the TIFF or PDF is the first page of any document.
	BLANK – for all other pages.
PageCount	Number of pages in the document.

11.   Opticon Image Index File

(a)   Follow the example above for format and delimiters.

(i)   Format:

*BatesPage**,**VolumeName**,**TIFFPath****TIFFFileName**.**tif**,**NewDocIndicator**,,,**PageCount* or
*BatesPage**,**VolumeName**,**PDFPath****PDFFileName**.**pdf**,**NewDocIndicator**,,,**PageCount*

    (ii)   Example:

xxx00100000,VolName002,yyy01-1\1\xxx00100000.tif,Y,,,4

    (iii)   Definition of Components:

BatesPage	BatesPage value from metadata file.
VolumeName	The volume name of the Media containing the TIFFs or PDFs.
TIFFPath or PDFPath	VFID#-Media#\Folder#
VFID#	The number of the Virtual Folder that the TIFF or PDF originated from
Media#	The number of the Media containing the TIFF or PDF
Folder#	The number of the folder containing the TIFF or PDF
TIFFFileName or PDFFileName	TIFFs or PDFs will be named with a bates number.tif or .pdf (Bates Padding/Prefix Configuration Section)
NewDocIndicator	Determine New Document Indicator Values
	Y – if the TIFF or PDF is the first page of any document.
	BLANK – for all other pages.
PageCount	Number of pages in the document

IT IS HEREBY STIPULATED:

Dated: March __, 2012   LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

By: _____
               Dean M. Harvey

Interim Lead Counsel for Plaintiff Class

Dated: March __, 2012   O'MELVENY & MYERS LLP

By:_____
              Michael F. Tubach

Attorneys for Defendant Apple Inc.

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

1   Dated: March __, 2012   KEKER & VAN NEST LLP

2
                                    By:_____
3   Daniel Purcell

4   Attorneys for Defendant Lucasfilm Ltd.

5
     Dated: March __, 2012   JONES DAY
6

7   By: _____
                                         David C. Kiernan
8
                                    Attorneys for Defendant Adobe Systems Inc.
9

10   Dated: March __, 2012   MAYER BROWN LLP

11
                                    By: _____
12   Lee H. Rubin

13   Attorneys for Defendant Google Inc.

14
     Dated: March __, 2012   BINGHAM McCUTCHEN LLP
15

16   By: _____
                                         Frank Hinman
17
                                    Attorneys for Defendant Intel Corp.
18

19   Dated: March __, 2012   JONES DAY

20
                                    By: _____
21   Robert A. Mittelstaedt

22   Attorneys for Defendant Intuit Inc.

23
     Dated: March __, 2012   COVINGTON & BURLING LLP
24

25   By: _____
                                         Emily Johnson Henn
26
                                    Attorneys for Defendant Pixar
27

28

962709.1   - 8 -   CASE NO. CV-11-5105-HRL

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

1   Joseph R. Saveri (State Bar No. 130064)
     Eric B. Fastiff (State Bar No. 182260)
2   Brendan P. Glackin (State Bar No. 199643)
     Dean M. Harvey (State Bar No. 250298)
3   Katherine M. Lehe (State Bar No. 273472)
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6
     Interim Lead Counsel for Plaintiff Class
7
     [Additional counsel listed on signature page]
8

9
                       UNITED STATES DISTRICT COURT
10
                     NORTHERN DISTRICT OF CALIFORNIA
11
                            SAN JOSE DIVISION
12

13
     IN RE: HIGH-TECH EMPLOYEE   Master Docket No. 11-CV-2509-LHK
14   ANTITRUST LITIGATION

15   **STIPULATION RE: PRODUCTION
                                        FORMAT OF ELECTRONICALLY
     THIS DOCUMENTS RELATES TO: STORED INFORMATION**
16
        ALL ACTIONS
17

18

19

20

21   1.   General Specifications

22   (a)   This Stipulation represents the agreement among the parties on technical

23   specifications regarding production of Electronically Stored Information ("ESI").

24   The parties reserve for future discussion substantive issues that might arise related

25   to the production of ESI, including without limitation, the inadvertent. This

26   Stipulation does not concern production of privileged database information,

27

28

1   ~~locations to be searched, and costs (including those related to disproportionate ESI~~

2   ~~requests)~~.

3   (b)   Documents will be produced as TIFF or PDF files (with extracted text or OCR and

4   metadata when available), unless otherwise specified below. ~~The~~Aside from the

5   document categories below, the parties will meet and confer to discuss any

6   requests for the production of documents in native format on a case-by-case basis

7   where good cause exists for such request.

8   (c)   Metadata will include fields described below.

9   (d)   Image cross reference files will function with Opticon viewer.

10   (e)   Media volume names will have the producing party's internal tracking ID.

11   (f)   A party may produce a single copy of a responsive document and a party may de-

12   duplicate responsive ESI (for example, based on MD5 or SHA-1 hash values at the

13   document level) across custodians, insofar as absolutely no non-duplicative

14   information is lost as a result. For emails with attachments, the hash value is

15   generated based on the parent/child document grouping. A party may also de-

16   duplicate "near-duplicate" email threads as follows: in an email thread, only the

17   final-in-time document need be produced, if and only if all previous emails (and

18   all other information, such as authors, recipients, time sent and received, etc.) in

19   the thread are contained within the final message. In addition, only a single copy

20   of an email need be produced even where it was sent to multiple recipients, if and

21   only if all information contained in other copies (such as time sent and received,

22   authors, recipients, etc.) is contained within the single copy. Where a prior email

23   contains an attachment, that email and attachment shall not be removed as a "near-

24   duplicate."

25   (g)   ~~(g)~~ Hardcopy Documents – The parties may produce, at the producing party's

26   option, hardcopy documents in hardcopy, TIFF, or PDF format. If a document that

27   was originally generated by a software application (*e.g.*, Microsoft Word or

28   Microsoft Outlook) is collected from a custodian in hard copy form, the producing

1   party has no obligation to locate and produce the electronic file from which the

2   hard copy was created. However, if the electronic file would otherwise be

3   gathered as part of the producing party's collection, both the electronic file and the

4   hard copy shall be produced.

5   2.   Output Files

6   (a)   Extracted Text: Control List (.lst or equivalent)

7   (b)   Image Index Files: Opticon (.opt)

8   (c)   Metadata Files: Concordance (.dat)

9   3.   Output Folder Structure

10   (a)   The ~~reducing~~producing party will manually create the top level directory prior to

11   production.

12   (b)   TIFF or PDF and text files for a single document will always be in the same folder.

Directory Structure	Standard with Padding
<VFID-Media#>.dat,<VFID-Media#>.lfp	XXX01-01.dat, XXX01-01.lfp
<VFID-Media#>	XXX01-01
| |__Folder# (01)	| | 01
| |__BatesNumber.tif or .pdf	| |__EXAMPLE00000001.tif or .pdf
| |__BatesNumber.tif or .pdf	| | EXAMPLE00000001.txt
| |__BatesNumber.tif or .pdf	| |__EXAMPLE00000002.tif or .pdf
| |__Folder# (02)	| | 02
| |__BatesNumber.tif or .pdf	| |__EXAMPLE00000501.tif or .pdf
| |__BatesNumber.tif or .pdf	| | EXAMPLE00000501.txt
| |__BatesNumber.tif	| |__EXAMPLE00000502.tif or .pdf

4.   General Configuration

(a)   Documents will not be broken across multiple PDF files or ~~media~~Media folders.

(b)   Produce TIFF files in single page format at 300 DPI or PDF files in multiple page

        format at 300 DPI.

5.   Text Files (.txt)

(a)   Produce text files or OCR on a per-document basis.

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

1   (b)   Name text files according to the corresponding first page (BegDoc#) of the

2   document.

3   (c)   Do not truncate.

4   6.   Native Files

5   (a)   ~~The parties will meet and confer to discuss any requests for the production of~~

6   ~~Microsoft Excel and Microsoft PowerPoint documents in native format on a case-~~

7   ~~by-case basis where good cause exists for such request.~~<u>Absent a showing that a</u>

8   <u>particular file, or category of files, is not reasonably accessible, Produce Excel</u>

9   <u>files, PowerPoint files, and media files in native format, accompanied by TIFF</u>

10   <u>placeholder including Bates number (range), file name, media description, and</u>

11   <u>confidentiality denotation.</u>

12   (b)   ~~The parties acknowledge that Microsoft Excel spreadsheets may be produced in~~

13   ~~native format when requested by the receiving party and reasonably available in~~

14   ~~native format. To the extent that Microsoft Excel spreadsheets may be redacted,~~

15   ~~the producing party may produce those redacted Microsoft Excel spreadsheets as~~

16   ~~TIFF or PDF files (~~<u>Non-Microsoft files that are the functional equivalents to Excel</u>

17   <u>and PowerPoint files (such as Apple Numbers and Apple Keynote files) shall be</u>

18   <u>produced in TIFF or PDF format in the first instance,</u> with extracted text or OCR

19   and metadata ~~when available). To the extent the producing party produces video,~~

20   ~~animation, or audio files, such documents~~. <u>Native format versions of these files</u>

21   shall be produced ~~in their native format.~~ <u>upon request if available.</u>

22   (c)   ~~To the extent a document is produced both in native format and as a TIFF or PDF,~~

23   ~~the parties will only print the TIFF or PDF version. In addition, the parties will~~

24   ~~use the TIFF or PDF version as exhibits in depositions, briefs, hearings, or at trial.~~

25   ~~The parties will meet and confer to discuss any requests for the use of documents~~

26   ~~in native format on a case-by-case basis where good cause exists for such request.~~

27   ~~TIFF~~

28   7.   Family Range Configuration

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

1   (a)   Family structure will be maintained in productions and identified by the fields in

2   Part 8.

3   8.   Use Concordance Metadata Load Files (.dat)

4   (a)   Load files will contain one line per document.

5   (b)   Load files will have the field names as the as first row of data.

6   (c)   Concordance metadata load files will include the following:

Field Name	Description	(Comments)	Field Type
BegBates (BegDoc#)	StartBates Production number		Limited Text
EndBates (EndDoc#)	Endbates Production number	Include prefix and padding	Limited Text
BegAttach	Beginning unique identification number for any attachment or range of attachments	Include prefix and padding	Limited Text
EndAttach	Ending unique identification number for any attachment or range of attachments	Include prefix and padding	Limited Text
Source	Custodian or Source of document		Full Text
MediaSource (DocumentType)	File Type	Email, File, etc	Limited Text
DateSent	Date Email was Sent (MMDDYYYY)	Applies to emails	Date
DateCreated	Date (MMDDYYYY) Created, if any, as found in native file when collected	Will be blank for email	Date
FileName	File name of the file	Will be blank for email	Full Text
FileSize	File size (as megabytes)		Limited Text
Doc Ext (Extension)	The document extension of the document	Will be blank if 0	Limited Text
Subject	Subject line of Email	Will be blank for Files	Full Text
From	Sender	Will be blank for Files	Full Text
To	Recipient [Delimited list]	Include multivalue Will be blank for	Full Text

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STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

Field Name	Description	(Comments)	Field Type
		Files	
Cc	Cc [Delimited list]	Include multivalue Will be blank for Files	Full Text
Bcc	Bcc [Delimited list]	Include multivalue Will be blank for Files	Full Text
Author	Information contained in the author field, if any	Will be blank for email	Full Text
DocTitle Filename	Information contained in the title field, if any		Full Text
Confidentiality	Confidentiality designation of the document	Include multivalue	Full Text
ORIGINALPATH	Data's source path information; where file was stored on custodian's hard drive or network resource	Will be blank for email	Full Text
[included in ORIGINALPATH]	Email folder path (sample: Inbox\active) [Blank for files]		Full Text
Redacted	Indicates if document contains redaction	Include multivalue	Full Text

9.   Metadata Load File Delimiters

(a)   If field encapsulators or separators are found in the metadata they will be replaced

with another character or space.

Type	Character/Format	Replace with	Notes
Field Encapsulate	Ctrl Character "þ" (Decimal 254)	Space " "(Decimal 032)	
Field Separator	Ctrl Character "□"(Decimal 020)	Space " "(Decimal 032)	
Multi-value Delimiter	Semi Colon "; " (Decimal 59 space)	N/A	
New Line Indicator	Registered Symbol "®" (Decimal 174)	N/A	Text line separator, used in TextInfo only.
Dates are stored	MMDDYYYY	N/A	

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

10.   OCR Index Files (.lst or equivalent)

(a)   Follow the example above for format and delimiters.

(b)   **Bold** is constant, *Italics* are variable, and pay attention to the use of commas and semicolons.

(c)   Each file will contain one line per TIFF or PDF.

(d)   Format: BatesPage**,**TextPath****TextFileName**.txt**

(e)   Example: ABC00100000,\02501-01\01\ABC00100000.txt

(f)   Definition of Components:

BatesPage	BatesPage value from metadata file.
Folder#	The number of the folder containing the TIFF or PDF.
TextFileName	Text files will be named with a bates number.txt (Bates Padding/Prefix Configuration Section).
NewDocIndicator	Determine New Document Indicator Values.
	Y – if the TIFF or PDF is the first page of any document.
	BLANK – for all other pages.
PageCount	Number of pages in the document.

11.   Opticon Image Index File

(a)   Follow the example above for format and delimiters.

(i)   Format:

*BatesPage***,***VolumeName***,***TIFFPath******TIFFFileName***.tif,***NewDocIndicator***,,,***PageCount* or
*BatesPage***,***VolumeName***,***PDFPath******PDFFileName***.pdf,***NewDocIndicator***,,,***PageCount*

(ii)   Example:

xxx00100000,VolName002,yyy01-1\1\xxx00100000.tif,Y,,,4

(iii)   Definition of Components:

BatesPage	BatesPage value from metadata file.
VolumeName	The volume name of the Media containing the TIFFs or PDFs.
TIFFPath or PDFPath	VFID#-Media#\Folder#
VFID#	The number of the Virtual Folder that the TIFF or PDF originated from
Media#	The number of the Media containing the TIFF or PDF
Folder#	The number of the folder containing the

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

	TIFF or PDF
TIFFFileName or PDFFileName	TIFFs or PDFs will be named with a bates number.tif or .pdf (Bates Padding/Prefix Configuration Section)
NewDocIndicator	Determine New Document Indicator Values
	Y – if the TIFF or PDF is the first page of any document.
	BLANK – for all other pages.
PageCount	Number of pages in the document

IT IS HEREBY STIPULATED:

Dated: ~~February~~March __, 2012   LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

By: _____
              Dean M. Harvey

Interim Lead Counsel for Plaintiff Class

Dated: ~~February~~March __, 2012   O'MELVENY & MYERS LLP

By:_____
              Michael F. Tubach

Attorneys for Defendant Apple Inc.

Dated: ~~February~~March __, 2012   KEKER & VAN NEST LLP

By:_____
              Daniel Purcell

Attorneys for Defendant Lucasfilm Ltd.

Dated: ~~February~~March __, 2012   JONES DAY

By: _____
              David C. Kiernan

Attorneys for Defendant Adobe Systems Inc.

962709.1   - 8 -   CASE NO. CV-11-5105-HRL

STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

1   Dated: ~~February~~March __, 2012   MAYER BROWN LLP

2

3   By: _____
                                                        Lee H. Rubin

4   Attorneys for Defendant Google Inc.

5

     Dated: ~~February~~March __, 2012   BINGHAM McCUTCHEN LLP

6

7   By: _____
                                                        Frank ~~M.~~ Hinman

8

9   Attorneys for Defendant Intel Corp.

10   Dated: ~~February~~March __, 2012   JONES DAY

11

12   By: _____
                                                        Robert A. Mittelstaedt

13   Attorneys for Defendant Intuit Inc.

14

     Dated: ~~February~~March __, 2012   COVINGTON & BURLING LLP

15

16   By: _____
                                                        Emily Johnson Henn

17

18   Attorneys for Defendant Pixar

19

20

21

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STIPULATION RE: PRODUCTION FORMAT OF ELECTRONICALLY STORED INFORMATION

Document comparison by Workshare Professional on Thursday, March 22, 2012 2:51:30 PM

Input:	
Document 1 ID	file://H:\Desktop\ESI Protocol -- 3.2.2012.DOC
Description	ESI Protocol -- 3.2.2012
Document 2 ID	file://H:\Desktop\962709 v1 - Production Format of Electronically Stored Information.doc
Description	962709 v1 - Production Format of Electronically Stored Information
Rendering set	standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	26
Deletions	22
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	48

EXHIBIT B

I.   Proposed Search Terms For All Defendants (not case sensitive)

do not call
poach*
off limit*
hands off
hands-off
hands- off
hands -off
hands - off
handsoff
cold call*
cold-call*
coldcall*
non-solicit*
non- solicit*
non -solicit*
non - solicit*
gent* w/2 agree*
tacit w/2 agree*
informal w/2 agree*
unwritten w/2 agree*
verbal w/2 agree*
unspoken w/2 agree*
hand* /2 agree*
gent* w/2 understand*
tacit w/2 understand*
informal w/2 understand*
unwritten w/2 understand*
verbal w/2 understand*
unspoken w/2 understand*
hand* /2 understand*
limit* w/10 compet*
let that happen
(compet* or industry or market or location* or region or group or unit or category or rival) w/10 (compensation or pay or benefit* or salary or wage or recruit* or bonus or hire or hiring or turnover or raise* or promot* or retain* or retent*)
(morale or equity or fair* or equal or parity or similar or same or relation* or monitor* or update or set or compar* or study or analy*) w/20 (compensation or pay or benefit* or salary or wage or recruit* or bonus or hire or hiring or turnover or raise or promot* or retain*)
(base* or common or standard or regular or normal or start* or lockstep or begin*) w/5 (compensation or pay or benefit* or salary or wage or recruit* or bonus or hire or hiring or turnover or raise or promot*)
(negotiate* or different) w/5 (compensation or pay or benefit* or salary or wage or recruit* or bonus or hire or hiring or turnover or raise or promot*)
bid* and war
n* /2 solicit*
notif* /10 (manage* or super* or boss)
(six month) w/10 rule

967680.3

do-not-hire
do not hire
won't compete
no w/1 compet*
never counter
((Agree*) or (deal) or (understand*) or (contract*) or (active*) or (proactive*) or (pro- active*) or (pro -active*) or (pro - active*) or guid*) w/5 ((hire*) or (hiring) or (recruit*) or (employ*) or (solicit*))
moratorium
raid*
pillag*
rape
compet*
antitrust
anti-trust
illegal
unlawful
wrong
evil
not right
isn't right
free market
facebook
zuck*
sandberg
bully
doj
justice
threat*
CID
civil investigative demand
injunction
subpoena
colligan
passive /5 (candidate* or person or employ* or people or talent)
(stop* or end or (no longer) or can't or cannot or won't or (will not)) w/10 (recruit* or hir* or interview or (talk to))
employ* /5 migrat*
intimidat*
head of HR
dunlap
radford
laika
match w/10 position
(compensation or pay or benefit* or salary or wage or recruit* or bonus or hire or hiring or turnover or raise or promot* or retain*) and (survey* or analysis or study or market)
poach
do not approach
heads up

967680.3

no recruit list
no hire list
counter-offer
courtesy list
courtesy agree*
gent* w/2 polic*
tacit w/2 polic*
informal w/2 polic*
unwritten w/2 polic*
verbal w/2 polic*
unspoken w/2 polic*
hand* /2 polic*
prohib* /10 (recruit* or hir* or call or contact)
target compan*
(opportunity or chance) /10 counter
no counter*
violate
permission and (offer or bid or recruit or hire)
(never or no or not or stop or limit or restrict or rid or end or can't or cannot or won't or "will not") /5 (pursu* or solicit* or hir* or recruit* or offer* or counter* or bid* or call*)
best offer
bullet
under the table
courtesy call*
honor* /10 (agree* or understand* or process or arrangement)
gloves on
gloves off
(agree* or hand* or tacit or understand* or verbal or unwritten or informal or unspoken or table or deal or permission) and (secret or (not known) or (do not tell) or hush or (don't tell) or (can't tell) or (cannot tell) or quiet or hidden or hide or hid or cover or disguise or veil or suppress or (hold back))

II.   Additional Search Terms for Each Defendant (not case sensitive)

A.   Adobe

[Add DOJ search terms to the extent not reflected in the above.]

(agree or hand* or tacit or understand* or solicit or recruit or pay or compensation or bonus or offer or applica* or candidat* or target or wage or benefit* or morale or fair or hire or compet* or employ* or verbal or unwritten or informal or unspoken or table or deal or permission or green or ok or target or prospect* or (cold call*) or passive) /10 (Apple or Google or Intel or Intuit or lucas* or ILM or Pixar)
Cook /2 Tim
sjobs
Steve* /2 Jobs
Tom /2 Moyer
Mark /2 Bentley

- 3 -

Lambert
Tim /2 Larson
Scott /2 Gilfoil
Ann /2 Reeves
David /2 Alvarez
Baja
Bechtel
Felch
Gaither
Sewell
Otellini
Pat* /2 Murray
Deb* /2 Conrad
Pat* /2 Gelsinger
Don /2 Cooper
Gab* /2 Thompson
Lar* /2 Walz
Evangelista
Cin* /2 Harper
Diane /2 Bryant
Campbell
Bill & Intuit
Brad /2 Smith
Lintner
Whiteley
(Michael or Mike) /2 McNeal
Fennell
Kerry /2 McLean
Laszlo
Bock
Shona /2 Brown
Alan /2 Eustace
Arnnon
Geshuri
Judy /2 Gilbert
(Jon or John or Jonathan) /2 Rosenberg
Eric /2 Schmidt
Schmidt and Google
Eric / 2 Google
eschmidt
Voort
Currey
Coker
BZ

Petroff
Steve /2 Mair
Gavgavian
(Jim or James) /2 Morris
Catmull
(Ed or Edward) /2 Martin
Lori /2 McAdams
Dana /2 Burns
GWL
@apple.com
@google.com
@intel.com
@intuit.com
@lucasfilm.com
@ilm.com
@pixar.com
@facebook.com
@palm.com

B.   Apple

[Add DOJ search terms to the extent not reflected in the above.]

(agree or hand* or tacit or understand* or solicit or recruit or pay or compensation or bonus or offer or applica* or candidat* or target or wage or benefit* or morale or fair or hire or compet* or employ* or verbal or unwritten or informal or unspoken or table or deal or permission or green or ok or target or prospect* or (cold call) or passive) /10 (Adobe or Google or Intel or Intuit or lucas* or ILM or Pixar)
Chizen
Shantanu
Narayen
Brennan
Cottle
Murray /2 Demo
Elop
Morris /2 Donna
James /2 Stephens
Stinson
Townsley
Vijungco
Cottle
Otellini
Pat* /2 Murray
Deb* /2 Conrad
Pat* /2 Gelsinger

- 5 -

Don /2 Cooper
Gab* /2 Thompson
Lar* /2 Walz
Evangelista
Cin* /2 Harper
Diane /2 Bryant
Campbell
Bill & Intuit
Brad /2 Smith
Lintner
Whiteley
(Michael or Mike) /2 McNeal
Fennell
Kerry /2 McLean
Laszlo
Bock
Shona /2 Brown
Alan /2 Eustace
Arnnon
Geshuri
Judy /2 Gilbert
(Jon or John or Jonathan) /2 Rosenberg
Eric /2 Schmidt
Schmidt and Google
Eric / 2 Google
eschmidt
Voort
Currey
Coker
BZ
Petroff
Steve /2 Mair
Gavgavian
(Jim or James) /2 Morris
Catmull
(Ed or Edward) /2 Martin
Lori /2 McAdams
Dana /2 Burns
GWL
@adobe.com
@google.com
@intel.com
@intuit.com
@ilm.com

- 6 -

@lucasfilm.com
@pixar.com
@facebook.com
@palm.com

C.   Google

[Add DOJ search terms to the extent not reflected in the above.]

(agree or hand* or tacit or understand* or solicit or recruit or pay or compensation or bonus or offer or applica* or candidat* or target or wage or benefit* or morale or fair or hire or compet* or employ* or verbal or unwritten or informal or unspoken or table or deal or permission or green or ok or target or prospect* or "cold call" or passive) /10 (Adobe or Apple or Intel or Intuit or lucas* or ILM or Pixar)
Chizen
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Brennan
Cottle
Murray /2 Demo
Elop
Morris /2 Donna
James /2 Stephens
Stinson
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Cottle
Cook /2 Tim
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Steve /2 Jobs
Tom /2 Moyer
Mark /2 Bentley
Lambert
Tim /2 Larson
Scott /2 Gilfoil
Ann /2 Reeves
David /2 Alvarez
Baja
Bechtel
Felch
Gaither
Sewell
Otellini
Pat* /2 Murray

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Deb* /2 Conrad
Pat* /2 Gelsinger
Don /2 Cooper
Gab* /2 Thompson
Lar* /2 Walz
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@adobe.com
@apple.com
@intel.com
@intuit.com
@ilm.com
@lucasfilm.com
@pixar.com
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@palm.com

D.   Intel

[Add DOJ search terms to the extent not reflected in the above.]

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Tim /2 Larson
Scott /2 Gilfoil
Ann /2 Reeves
David /2 Alvarez
Baja
Bechtel
Felch
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Sewell
Campbell
Bill & Intuit
Brad /2 Smith
Lintner
Whiteley
(Michael or Mike) /2 McNeal
Fennell
Kerry /2 McLean

Laszlo
Bock
Shona /2 Brown
Alan /2 Eustace
Arnnon
Geshuri
Judy /2 Gilbert
(Jon or John or Jonathan) /2 Rosenberg
Eric /2 Schmidt
Schmidt and Google
Eric / 2 Google
eschmidt
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@google.com
@intuit.com
@lucasfilm.com
@ilm.com
@pixar.com
@facebook.com
@palm.com

E.   Intuit

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Steve /2 Jobs
Tom /2 Moyer
Mark /2 Bentley
Lambert
Tim /2 Larson
Scott /2 Gilfoil
Ann /2 Reeves
David /2 Alvarez
Baja
Bechtel
Felch
Gaither
Sewell
Otellini
Pat* /2 Murray
Deb* /2 Conrad
Pat* /2 Gelsinger
Don /2 Cooper
Gab* /2 Thompson
Lar* /2 Walz
Evangelista
Cin* /2 Harper
Diane /2 Bryant
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Shona /2 Brown
Alan /2 Eustace
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Judy /2 Gilbert
(Jon or John or Jonathan) /2 Rosenberg
Eric /2 Schmidt
Schmidt and Google
Eric / 2 Google
eschmidt
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Steve /2 Mair
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@apple.com
@google.com
@intel.com
@lucasfilm.com
@ilm.com
@pixar.com
@facebook.com
@palm.com

F.   **Lucasfilm**

[Add DOJ search terms to the extent not reflected in the above.]

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Chizen
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Murray /2 Demo

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Morris /2 Donna
James /2 Stephens
Stinson
Townsley
Vijungco
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Steve /2 Jobs
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Mark /2 Bentley
Lambert
Tim /2 Larson
Scott /2 Gilfoil
Ann /2 Reeves
David /2 Alvarez
Baja
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Pat* /2 Gelsinger
Don /2 Cooper
Gab* /2 Thompson
Lar* /2 Walz
Evangelista
Cin* /2 Harper
Diane /2 Bryant
Campbell
Bill & Intuit
Brad /2 Smith
Lintner
Whiteley
(Michael or Mike) /2 McNeal
Fennell
Kerry /2 McLean
Laszlo
Bock
Shona /2 Brown
Alan /2 Eustace

- 13 -

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Arnnon
Geshuri
Judy /2 Gilbert
(Jon or John or Jonathan) /2 Rosenberg
Eric /2 Schmidt
Schmidt and Google
Eric / 2 Google
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Catmull
(Ed or Edward) /2 Martin
Lori /2 McAdams
Dana /2 Burns
@adobe.com
@apple.com
@google.com
@intel.com
@intuit.com
@pixar.com
@disney.com
@facebook.com
@palm.com

G.   Pixar

[Add DOJ search terms to the extent not reflected in the above.]

(agree or hand* or tacit or understand* or solicit or recruit or pay or compensation or bonus or offer or applica* or candidat* or target or wage or benefit* or morale or fair or hire or compet* or employ* or verbal or unwritten or informal or unspoken or table or deal or permission or green or ok or target or prospect* or (cold call) or passive) /10 (Adobe or Apple or Google or Intel or Intuit or lucas* or ILM)
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Brennan
Cottle
Murray /2 Demo
Elop
Morris /2 Donna
James /2 Stephens
Stinson
Townsley
Vijungco
Cottle

- 14 -

Cook /2 Tim
sjobs
Steve /2 Jobs
Tom /2 Moyer
Mark /2 Bentley
Lambert
Tim /2 Larson
Scott /2 Gilfoil
Ann /2 Reeves
David /2 Alvarez
Baja
Bechtel
Felch
Gaither
Sewell
Otellini
Pat* /2 Murray
Deb* /2 Conrad
Pat* /2 Gelsinger
Don /2 Cooper
Gab* /2 Thompson
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(Jon or John or Jonathan) /2 Rosenberg
Eric /2 Schmidt
Schmidt and Google
Eric / 2 Google

- 15 -

eschmidt
Voort
Currey
Coker
BZ
Petroff
Steve /2 Mair
Gavgavian
GWL
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@apple.com
@google.com
@intel.com
@intuit.com
@lucasfilm.com
@facebook.com
@ilm.com
@palm.com*

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